

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 197, Page 10,
2 Section 192.667, Line 217, by inserting immediately after said line the following:

3
4 "208.909. 1. Consumers receiving personal care assistance services shall be responsible for:

5 (1) Supervising their personal care attendant;

6 (2) Verifying wages to be paid to the personal care attendant;

7 (3) Preparing and submitting time sheets, signed by both the consumer and personal care attendant, to
8 the vendor on a biweekly basis;

9 (4) Allowing the personal care attendant to use his or her telephone for the purpose of electronic visit
10 verification (EVV) if such use does not add cost to the consumer;

11 (5) Promptly notifying the department within ten days of any changes in circumstances affecting the
12 personal care assistance services plan or in the consumer's place of residence;

13 [(5)] (6) Reporting any problems resulting from the quality of services rendered by the personal care
14 attendant to the vendor. If the consumer is unable to resolve any problems resulting from the quality of
15 service rendered by the personal care attendant with the vendor, the consumer shall report the situation to the
16 department; and

17 [(6)] (7) Providing the vendor with all necessary information to complete required paperwork for
18 establishing the employer identification number.

19 2. Participating vendors shall be responsible for:

20 (1) Collecting time sheets or reviewing reports of delivered services and certifying the accuracy
21 thereof;

22 (2) The Medicaid reimbursement process, including the filing of claims and reporting data to the
23 department as required by rule;

24 (3) Transmitting the individual payment directly to the personal care attendant on behalf of the
25 consumer;

26 (4) Monitoring the performance of the personal care assistance services plan.

27 3. No state or federal financial assistance shall be authorized or expended to pay for services provided
28 to a consumer under sections 208.900 to 208.927, if the primary benefit of the services is to the household
29 unit, or is a household task that the members of the consumer's household may reasonably be expected to
30 share or do for one another when they live in the same household, unless such service is above and beyond
31 typical activities household members may reasonably provide for another household member without a
32 disability.

33 4. No state or federal financial assistance shall be authorized or expended to pay for personal care
34 assistance services provided by a personal care attendant who is listed on any of the background check lists in
35 the family care safety registry under sections 210.900 to 210.937, unless a good cause waiver is first obtained
36 from the department in accordance with section 192.2495.

37 5. (1) All vendors shall, by July 1, [2015] 2016, have, maintain, and use [a telephone tracking] an
38 EVV system for the purpose of reporting and verifying the delivery of consumer-directed services as
39 authorized by the department of health and senior services or its designee. Use of such a system prior to July
40 1, [2015] 2016, shall be voluntary. The [telephone tracking] EVV system shall be used [to process payroll for

Action Taken _____ Date _____

Action Taken _____ Date _____

employees and] for submitting claims for reimbursement to the MO HealthNet division. At a minimum, the [telephone tracking] EVV system shall:

- (a) Record the exact date services are delivered;
- (b) Record the exact time the services begin and exact time the services end;
- (c) Verify [the telephone number from which the services are registered] that the services are being delivered at the location where the consumer resides;
- (d) [Verify that the number from which the call is placed is a telephone number unique to the client;
- (e)] Require a personal identification number unique to each personal care attendant;
- [(f)] (e) Be capable of producing reports [of services delivered, tasks performed, client] that at a minimum capture the consumer identity, beginning and ending times of service and date of service in summary fashion that constitute adequate documentation of service[; and
- (g) Be capable of producing reimbursement requests for consumer approval that assures accuracy and compliance with program expectations for both the consumer and vendor.

(2) The department of health and senior services, in collaboration with other appropriate agencies, including centers for independent living, shall establish telephone tracking system pilot projects, implemented in two regions of the state, with one in an urban area and one in a rural area. Each pilot project shall meet the requirements of this section and section 208.918. The department of health and senior services shall, by December 31, 2013, submit a report to the governor and general assembly detailing the outcomes of these pilot projects. The report shall take into consideration the impact of a telephone tracking system on the quality of the services delivered to the consumer and the principles of self-directed care.

(3). (2) As new technology becomes available, the department [may] shall allow use of a more advanced tracking system, electronic or otherwise, provided that such system is at least as capable of meeting the requirements of this subsection.

[(4)] (3) The department of health and senior services shall promulgate by rule the minimum necessary criteria of the [telephone tracking] EVV system. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.

6. [In the event that a consensus between centers for independent living and representatives from the executive branch cannot be reached, the telephony report issued to the general assembly and governor shall include a minority report which shall detail those elements of substantial dissent from the main report.

7.] No interested party, including a center for independent living, shall be required to contract with any particular vendor or provider of [telephony] EVV services [nor bear the full cost of the pilot program]."; and

Further amend said bill, Page 23, Section 376.1235, Line 18, by inserting in lieu thereof the following:

"660.023. 1. All in-home services provider agencies shall, by July 1, [2015] 2016, have, maintain, and use [a telephone tracking] an electronic visit verification (EVV) system for the purpose of reporting and verifying the delivery of home- and community-based services as authorized by the department of health and senior services or its designee. Use of such system prior to July 1, [2015] 2016, shall be voluntary. At a minimum, the [telephone tracking] EVV system shall:

- (1) Record the exact date services are delivered;
- (2) Record the exact time the services begin and exact time the services end;
- (3) Verify [the telephone number from which the services were registered] that services are being delivered at the location where the consumer resides;
- (4) [Verify that the number from which the call is placed is a telephone number unique to the client;
- (5)] Require a personal identification number unique to each personal care attendant; and
- [(6)] (5) Be capable of producing reports [of services delivered, tasks performed,] that at a minimum capture client identity, beginning and ending times of service and date of service in summary fashion that constitute adequate documentation of service.

1 2. The [telephone tracking] EVV system shall be used [to process payroll for employees and] for
2 submitting claims for reimbursement to the MO HealthNet division.

3 3. The department of health and senior services shall promulgate by rule the minimum necessary
4 criteria of the [telephone tracking] EVV system. Any rule or portion of a rule, as that term is defined in
5 section 536.010, that is created under the authority delegated in this section shall become effective only if it
6 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
7 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant
8 to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held
9 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28,
10 2010, shall be invalid and void.

11 4. As new technology becomes available, the department [may] shall allow use of a more advanced
12 tracking system, electronic or otherwise, provided that such system is at least as capable of meeting the
13 requirements listed in subsection 1 of this section.

14 5. The department of health and senior services, in collaboration with other appropriate agencies,
15 including in-home services providers, shall establish telephone tracking system pilot projects, implemented in
16 two regions of the state, with one in an urban area and one in a rural area. Each pilot project shall meet the
17 requirements of this section. The department of health and senior services shall, by December 31, 2013,
18 submit a report to the governor and general assembly detailing the outcomes of these pilot projects. The
19 report shall take into consideration the impact of a telephone tracking system on the quality of the services
20 delivered to the consumer and the principles of self-directed care.

21 6. In the event that a consensus between in-home service providers and representatives from the
22 executive branch cannot be reached, the telephony report issued to the general assembly and governor shall
23 include a minority report which will detail those elements of substantial dissent from the main report.

24 7. No interested party, including in-home service providers, shall be required to contract with any
25 particular vendor or provider of [telephony] EVV services [nor bear the full cost of the pilot program].

26 Section B. Because immediate action is necessary to ensure that home-based MO HealthNet
27 participants receive necessary personal care assistance services, section A of this act is deemed necessary for
28 the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an
29 emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect
30 upon its passage and approval."; and
31

32 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.
33